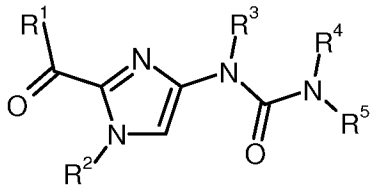
AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A compound ~~Compound~~ of the formula



(I),

in which

R^1 is $-OR^6$ or $-NR^7R^8$,

R^2 is C_1-C_6-alkyl or C_1-C_6-alkenyl,

where alkyl and alkenyl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, C_1-C_6-alkoxy, C_3-C_8-cycloalkyl, 5- to 10-membered heterocyclyl, C_6-C_{10}-aryl, phenoxy and 5- to 10-membered heteroaryl,

in which cycloalkyl, heterocyclyl, aryl, phenoxy and heteroaryl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, hydroxy, oxo, nitro, cyano, trifluoromethyl, difluoromethyl, trifluoromethoxy, difluoromethoxy, C_1-C_6-alkyl, C_1-C_6-alkoxy, hydroxycarbonyl, C_1-C_6-alkoxycarbonyl, amino, C_1-C_6-alkylamino, aminocarbonyl, C_1-C_6-alkylaminocarbonyl and phenyl,

R^3 and R^4 are independently of one another hydrogen or C_1-C_6-alkyl,

R^5 is phenyl,

where phenyl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, hydroxy, trifluoromethyl, difluoromethyl, trifluoromethoxy, difluoromethoxy, C_1-C_6-alkyl and C_1-C_6-alkoxy,

R^6 is C_1-C_6-alkyl,

where alkyl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen,

cyano, hydroxy, C_1-C_6-alkoxy, hydroxycarbonyl, C_1-C_6-alkoxycarbonyl, amino, C_1-C_6-alkylamino, aminocarbonyl, C_1-C_6-alkylcarbonyloxy, C_1-C_6-alkylcarbonylamino, C_1-C_6-alkylaminocarbonyl, C_1-C_6-alkoxycarbonylamino, C_3-C_8-cycloalkyl, C_3-C_8-cycloalkylamino, 5- to 10-membered heterocyclyl, 5- to 7-membered heterocyclylcarbonyl, C_6-C_{10}-aryl and 5- to 10-membered heteroaryl,

in which cycloalkyl, cycloalkylamino, heterocyclyl, heterocyclylcarbonyl, aryl and heteroaryl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, hydroxy, nitro, cyano, C_1-C_6-alkyl, C_1-C_6-alkoxy, hydroxycarbonyl, C_1-C_6-alkoxycarbonyl, amino, C_1-C_6-alkylamino, aminocarbonyl and C_1-C_6-alkylaminocarbonyl,

and

in which alkylcarbonyloxy may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of hydroxycarbonyl, amino, C_1-C_6-alkylamino, C_3-C_8-cycloalkylamino and 5- to 7-membered heterocyclyl,

in which heterocyclyl in turn may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of C_1-C_4-alkyl and oxo,

R^7 is hydrogen or C_1-C_6-alkyl,

and

R^8 is C_1-C_6-alkyl,

where alkyl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, cyano, hydroxy, trifluoromethyl, C_1-C_6-alkoxy, hydroxycarbonyl, C_1-C_6-alkoxycarbonyl, amino, C_1-C_6-alkylamino, aminocarbonyl, C_1-C_6-alkylcarbonyloxy, C_1-C_6-alkylcarbonylamino, C_1-C_6-alkylaminocarbonyl, C_1-C_6-alkoxycarbonylamino, C_3-C_8-cycloalkyl, C_3-C_8-cycloalkylamino, 5- to 10-membered heterocyclyl, 5- to 7-membered heterocyclylcarbonyl, C_6-C_{10}-aryl, C_6-C_{10}-arylamino, 5- to 10-membered heteroaryl and 5- to 10-membered heteroarylamino,

in which alkoxy and alkylamino may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, hydroxy and C_1-C_6-alkoxy,

and

in which cycloalkyl, cycloalkylamino, heterocyclyl, heterocyclylcarbonyl, aryl, arylamino, heteroaryl and heteroarylamino may be substituted by 1 to 3 substituents, where the substituents are selected independently of one

another from the group consisting of halogen, hydroxy, oxo, nitro, cyano, trifluoromethyl, difluoromethyl, trifluoromethoxy, difluoromethoxy, C_1-C_6-alkyl, C_1-C_6-alkoxy, hydroxycarbonyl, C_1-C_6-alkoxycarbonyl, amino, C_1-C_6-alkylamino, aminocarbonyl and C_1-C_6-alkylaminocarbonyl,

and

in which alkylcarbonyloxy may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of hydroxycarbonyl, amino, C_1-C_6-alkylamino, C_3-C_8-cycloalkylamino and 5- to 7-membered heterocyclyl,

in which heterocyclyl in turn may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of C_1-C_4-alkyl and oxo,

~~and the salts thereof, the solvates thereof and the solvates of the salts thereof~~

or a salt thereof.

2. (Original) The compound according to Claim 1, characterized in that

R^1 is $-OR^6$ or $-NR^7R^8$,

R^2 is C_1-C_4-alkyl or C_1-C_5-alkenyl,

where alkyl and alkenyl may be substituted by 1 to 2 substituents, where the substituents are selected independently of one another from the group consisting of halogen, C_1-C_4-alkoxy, C_3-C_6-cycloalkyl, phenyl and phenoxy,

in which cycloalkyl, phenyl and phenoxy may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, hydroxy, cyano, trifluoromethyl, trifluoromethoxy, C_1-C_4-alkyl, C_1-C_4-alkoxy, hydroxycarbonyl, C_1-C_4-alkoxycarbonyl, amino, C_1-C_6-alkylamino, aminocarbonyl, C_1-C_6-alkylaminocarbonyl and phenyl,

R^3 and R^4 are hydrogen,

R^5 is phenyl,

where phenyl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, hydroxy, trifluoromethyl, trifluoromethoxy, C_1-C_4-alkyl and C_1-C_4-alkoxy,

R^6 is C_1-C_5-alkyl,

where alkyl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen,

cyano, hydroxy, C_1-C_4-alkoxy, hydroxycarbonyl, amino, C_1-C_6-alkylamino, aminocarbonyl, C_1-C_4-alkylcarbonyloxy, C_1-C_4-alkylcarbonylamino, C_1-C_6-alkylaminocarbonyl, C_1-C_4-alkoxycarbonylamino, C_3-C_7-cycloalkyl, C_3-C_7-cycloalkylamino, 5- to 7-membered heterocyclyl, 5- to 7-membered heterocyclylcarbonyl, C_6-C_{10}-aryl and 5- to 10-membered heteroaryl,

in which cycloalkyl, cycloalkylamino, heterocyclyl, heterocyclylcarbonyl, aryl and heteroaryl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, hydroxy, cyano, C_1-C_4-alkyl, C_1-C_4-alkoxy, hydroxycarbonyl, C_1-C_4-alkoxycarbonyl, amino, C_1-C_6-alkylamino, aminocarbonyl and C_1-C_6-alkylaminocarbonyl,

and

in which alkylcarbonyloxy may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of hydroxycarbonyl, amino, C_1-C_6-alkylamino, C_3-C_7-cycloalkylamino and 5- to 7-membered heterocyclyl,

R^7 is hydrogen,

and

R^8 is C_1-C_5-alkyl,

where alkyl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, cyano, hydroxy, trifluoromethyl, C_1-C_6-alkoxy, hydroxycarbonyl, amino, C_1-C_6-alkylamino, aminocarbonyl, C_1-C_4-alkylcarbonyloxy, C_1-C_4-alkylcarbonylamino, C_1-C_6-alkylaminocarbonyl, C_1-C_4-alkoxycarbonylamino, C_3-C_7-cycloalkyl, C_3-C_7-cycloalkylamino, 5- to 7-membered heterocyclyl, 5- to 7-membered heterocyclylcarbonyl, C_6-C_{10}-aryl and 5- to 10-membered heteroaryl,

in which alkoxy and alkylamino may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, hydroxy and C_1-C_4- alkoxy,

and

in which cycloalkyl, cycloalkylamino, heterocyclyl, heterocyclylcarbonyl, aryl and heteroaryl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of halogen, hydroxy, oxo, cyano, trifluoromethyl, C_1-C_4-alkyl, C_1-C_4-alkoxy, hydroxycarbonyl, C_1-C_4-alkoxycarbonyl, amino, C_1-C_6-alkylamino, aminocarbonyl and C_1-C_6-alkylaminocarbonyl,

and

in which alkylcarbonyloxy may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of hydroxycarbonyl, amino, C_1-C_6-alkylamino, C_3-C_7-cycloalkylamino and 5- to 7-membered heterocyclyl,

in which heterocyclyl in turn may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of C_1-C_4-alkyl and oxo.

3. (Original) The compound according to Claim 1 or 2, characterized in that

R^1 is $-OR^6$ or $-NR^7R^8$,

R^2 is methyl, ethyl, n-butyl, prop-2-en-1-yl or 3-methylbut-2-en-1-yl,

where methyl, ethyl, n-butyl and prop-2-en-1-yl may be substituted by 1 to 2 substituents, where the substituents are selected independently of one another from the group consisting of chlorine, methoxy, cyclopropyl, phenyl and phenoxy,

in which phenyl may be substituted by a substituent trifluoromethyl,

R^3 and R^4 are hydrogen,

R^5 is phenyl,

where phenyl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of fluorine, chlorine, trifluoromethoxy and methyl,

R^6 is C_1-C_3-alkyl,

where alkyl may be substituted by 1 to 2 substituents, where the substituents are selected independently of one another from the group consisting of halogen, cyano, hydroxy and methylcarbonyloxy,

in which methylcarbonyloxy may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of isobutylamino, dimethylamino, diethylamino, cyclopropylamino, pyrrolidinyl and morpholinyl,

R^7 is hydrogen,

and

R^8 is C_1-C_3-alkyl,

where alkyl may be substituted by 1 to 2 substituents, where the substituents are selected independently of one another from the group consisting of halogen,

cyano, hydroxy, trifluoromethyl, ethoxy, isobutylamino, dimethylamino, diethylamino, methylethylamino, aminocarbonyl, methylcarbonyloxy, propylcarbonyloxy, dimethylaminocarbonyl, diethylaminocarbonyl, ethoxycarbonylamino, cyclopropylamino, pyrrolidinyl, piperidinyl, morpholinyl, phenyl, thienyl, pyrazolyl, imidazolyl, triazolyl, pyridyl and benzimidazolyl,

in which ethoxy and methylethylamino may be substituted by a substituent, where the substituent is selected from the group consisting of hydroxy and methoxy,

and

in which phenyl, pyrazolyl, imidazolyl, pyridyl and benzimidazolyl may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of methyl and methoxy,

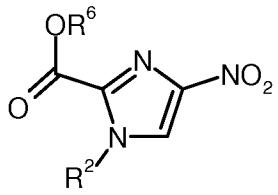
and

in which methylcarbonyloxy and propylcarbonyloxy may be substituted by 1 to 3 substituents, where the substituents are selected independently of one another from the group consisting of hydroxycarbonyl, amino, isobutylamino, dimethylamino, diethylamino, cyclopropylamino, pyrrolidinyl and morpholinyl.

4. (Original) A process for preparing a compound of the formula (I) according to Claim 1, characterized in that

in process [A]

a compound of the formula



(IIa),

in which

R^6 has the meaning indicated in Claim 1, and

R^2 has the meaning indicated in Claim 1,

is reacted in the first stage with a reducing agent,

in the second stage where appropriate with a compound of the formula

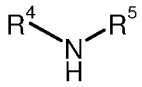
$$X^1\text{-}R^3 \qquad \text{(III)},$$

in which

R^3 has the meaning indicated in Claim 1, and

X^1 is halogen, preferably bromine or chlorine,

and in the third stage in the presence of a carbonic acid derivative with a compound of the formula

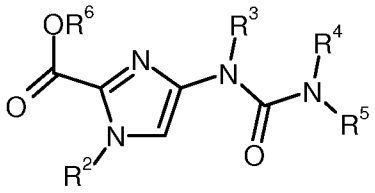


(IV),

in which

R^4 and R^5 have the meaning indicated in Claim 1,

to give a compound of the formula



(Ia),

in which

R^6 has the same meaning as in formula (IIa), and

R^2, R^3, R^4 and R^5 have the meaning indicated in Claim 1,

or

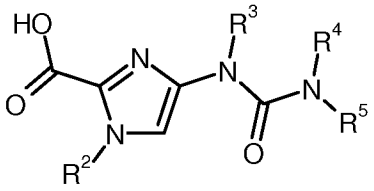
in process [B]

a compound of the formula (Ia),

in which

R^8 is methyl or ethyl,

is reacted in the presence of a base to give a compound of the formula



(Ib),

in which

R^2, R^3, R^4 and R^5 have the meaning indicated in Claim 1,

or

in process [C]

a compound of the formula (Ib) is reacted with a compound of the formula

R^1-H (V),

in which

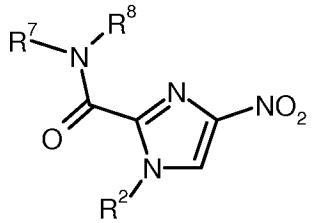
R^1 has the meaning indicated in Claim 1,

in the presence of dehydrating reagents to give a compound of the formula (I),

or

in process [D]

a compound of the formula



(IIb),

in which

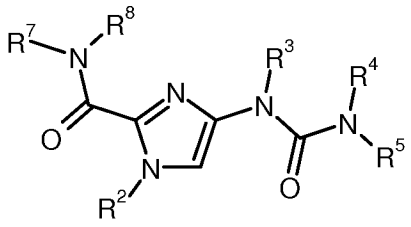
R^2, R^7 and R^8 have the meaning indicated in Claim 1,

is reacted in the first stage with a reducing agent,

in the second stage where appropriate with a compound of the formula (III)

and in the third stage in the presence of a carbonic acid derivative with a compound of the formula (IV)

to give a compound of the formula



(Ic),

in which

R^2, R^3, R^4, R^5, R^7 and R^8 have the meaning indicated in Claim 1,

or

in process [E]

a compound of the formula (IIa) or (IIb)

is reacted in the first stage with a reducing agent,

in the second stage where appropriate with a compound of the formula (III)

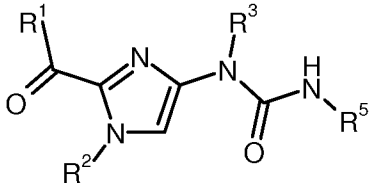
and in the third stage with a compound of the formula

$$OCN\text{-}R^5 \qquad (VI),$$

in which

R^5 has the meaning indicated in Claim 1,

to give a compound of the formula



(Id),

in which

R^1, R^2, R^3 and R^5 have the meaning indicated in Claim 1.

5. (Canceled)

6. (Currently Amended) A pharmaceutical composition ~~medicament~~ comprising a compound according to ~~any of Claims 1 to 3~~ Claim 1 in combination with at least one inert, non-toxic, pharmaceutically acceptable excipient.

7-10. (Canceled).

11. (New) A method for controlling a viral infection in a human or an animal comprising administering to said human or animal an antivirally effective amount of at least one compound according to Claim 1 or at least one composition according to Claim 6.

12. (New) A method for treating a herpes viridae infection in a human or an animal comprising administering to said human or animal an antivirally effective amount of at least one compound according to Claim 1 or at least one composition according to Claim 6.

13. (New) The method according to Claim 12 wherein the herpes virus is a cytomegalovirus.

14. (New) The method according to Claim 1 wherein the cytomegalovirus is human cytomegalovirus (HCMV).